

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: : Chapter 11  
: :  
CHINA FISHERY GROUP LIMITED : Case No. 16-11895 (JLG)  
(CAYMAN), et al., : :  
: (Jointly Administered)  
Debtors.<sup>1</sup> :  
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**SCHEDULING ORDER FOR LENDERS' MOTION FOR ENTRY OF AN ORDER  
DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE UNDER  
SECTION 1104(A)(2) OF THE BANKRUPTCY CODE**

Coöperatieve Rabobank U.A., Standard Chartered Bank (Hong Kong) Limited, China CITIC Bank International Limited, and DBS Bank (Hong Kong), Limited (collectively, the “**Club Lender Parties**”), having advised this Court at case status conferences held on July 11, 19 and 25, 2016 that such Club Lender Parties were considering the filing of a motion under section 1104(a) of the Bankruptcy Code seeking the appointment of a chapter 11 trustee (the “**Motion**”) for the above-captioned debtors and debtors in possession (the “**Debtors**”); and the Club Lender Parties having filed an application with the Court on August 2, 2016 seeking authority to file the Motion in a redacted form and with the full unredacted Motion and certain exhibits thereto to be filed under seal; and the parties having conferred as to the schedule for discovery, briefing and an evidentiary hearing on the Motion; and the parties having appeared for a further case status conference on August 4, 2016; and Bank of America N.A., an Ad Hoc Committee of Holders of 9.75% Senior Notes due 2019 issued by CFG Investment S.A.C., and Malayan Banking Berhad,

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<sup>1</sup> The Debtors are N.S. Hong Investment (BVI) Limited, Super Investment Limited (Cayman), Pacific Andes International Holdings Limited (Bermuda), China Fishery Group Limited (Cayman), Smart Group Limited (Cayman), Protein Trading Limited (Samoa), South Pacific Shipping Agency Limited (BVI), CFG Peru Investments Pte. Limited (Singapore), China Fisheries International Limited (Samoa), Growing Management Limited (BVI), Chanery Investment Inc. (BVI), Champion Maritime Limited (BVI), Target Shipping Limited (HK), Fortress Agents Limited (BVI), CFGL (Singapore) Private Limited, and Ocean Expert International Limited (BVI).

Hong Kong Branch having advised the Court on such date that they intended to join the Motion; and the Club Lender Parties having advised the Court that they intended to limit the scope of the Motion and the evidentiary presentation thereon to the standards for the appointment of a trustee set forth in section 1104(a)(2) of the Bankruptcy Code; and the parties having conferred on a schedule for a revised motion based on such relief; and upon due consideration and sufficient cause appearing therefore, the Court adopts the following schedule and hereby **ORDERS AS FOLLOWS:**

1. The Club Lender Parties hereby withdraw the Motion, all exhibits filed with the Motion and the motion for authority to file the Motion with exhibits under seal, without prejudice.

2. The Club Lender Parties shall have until August 9, 2016 at 4:00 p.m. (New York time) to file a revised motion for the appointment of a trustee, along with two supporting declarations, which revised motion shall be limited to factual allegations and legal arguments based solely on section 1104(a)(2) of the Bankruptcy Code (the “**Revised Motion**”), with two (2) copies, single sided, delivered to the Court. Any other party in interest in these cases may join in the Revised Motion by filing a joinder by August 10, 2016 at 4:00 p.m. (New York time), and each such joinder may be accompanied by one supporting factual declaration (the “**Supporting Joinder Witnesses**”), together with the trial witnesses of the Club Lender Parties, the “**Movants Trial Witnesses**”) with two (2) copies, single sided, delivered to the Court; provided, however, there shall be no more than three (3) Movants Trial Witnesses.

3. The Debtors shall provide email notice to counsel for the Club Lender Parties and the Court by no later than August 12, 2016 at 4:00 p.m. (New York time) identifying witnesses for whom the Debtors expect to present declarations in opposition to the Revised Motion (the “**Debtors Trial Witnesses**”). Each party (an “**Opposition Party**”) that intends to join in the

Debtors' opposition, or otherwise oppose the Revised Motion, must provide email notice (**"Opposition Joinder Notice"**) to counsel for the Club Lender Parties and the Court of its intent to join the Debtors' opposition or otherwise oppose the Revised Motion by no later than August 12, 2016 at 4:00 p.m. (New York time) and each Opposition Party may designate one additional witness in its Opposition Joinder Notice; provided, however, that (i) there shall be no more than four (4) combined trial witnesses for the Debtors and Opposition Parties; and (ii) if any of the Debtors' Trial Witnesses or a witness identified by the Opposition Party are to be offered as an expert witness, then in identifying that witness, the proposing party shall identify the intended scope of their expert testimony.

4. Any demand for the production of documents shall be served by email by no later than August 12, 2016 and shall be responded to within three (3) days.

5. The Club Lender Parties, any party joining the Revised Motion that identified a witness, the Debtors, and any Opposition Party that identified a witness shall make their witnesses/declarants available for deposition during the period of August 15 – 24, 2016 in Manhattan at places and times agreed to by the parties. A witness who is not made available to be deposed may not be a declarant or testify at the hearing as a witness.

6. The Debtors and the Opposition Parties shall file and serve their opposition papers including any affidavits, declarations (which affidavits or declarations must be limited to affidavits or declarations of the identified Debtors' Trial Witnesses and of any individuals identified by the Opposition Party in its Opposition Joinder Notice), and legal arguments by no later than 12:00 p.m. (NY time) on August 23, 2016, with two (2) copies, single sided, delivered to the Court.

7. By no later than August 25, 2016, at 4:00 p.m. (NY time), the parties shall exchange copies of their proposed exhibits marked for identification, with two (2) copies, single sided,

delivered to the Court. Each party's direct evidence shall be presented by means of the witnesses' written declaration as previously served and any person that has not submitted a written declaration may not testify as a witness at the hearing on the Revised Motion. In order to offer direct testimony by means of a particular witnesses' previously served declaration, the party offering such declaration must make such witness available in person at trial for cross-examination.

8. If the Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual in Peru summons the Debtors' subsidiaries in Peru to respond to the commencement of the involuntary cases pending against any of them, within twenty-four (24) hours of receipt of such summons, the Debtors shall file written notice thereof, together with a copy of such summons or similar document, and an English translation thereof, on the Court's electronic case filing docket in this case, and serve them on (i) the Club Lender Parties; (ii) the Joinder Parties, (iii) the Office of the United States Trustee, (iv) any party having filed a notice of appearance in this case; and (v) the Court.

9. No other party than as directed herein shall offer evidence on the Revised Motion; provided, however, that the trial attorney for the Office of the United States Trustee may participate in any matter, including depositions, with respect to the Revised Motion without the need to comply with any of the deadlines in this Order.

10. Motions *in limine*, if any, shall be filed and served, with two (2) copies, single sided, delivered to the Court, by no later than 12:00 p.m. on August 25, 2016 (NY time), with responses, if any, to be filed and served, with two (2) copies, single sided, delivered to the Court, by no later than 12:00 p.m. on August 26, 2016 (NY time).

11. The Court hereby waives the requirement of its rules of practice for the filing of a pre-trial order submission.

12. The Court shall hold a pre-trial conference on the Revised Motion on August 26, 2016, at 2:00 p.m. (NY time) before the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, at the Courthouse, One Bowling Green, New York, New York.

13. The Court shall hold an evidentiary hearing on the Revised Motion on August 29, 2016 at 10:00 a.m. (NY time) before the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, at the Courthouse, One Bowling Green, New York, New York.

14. Nothing herein shall preclude the Club Lenders or any other party from moving for the appointment of a trustee for cause under section 1104(a)(1) of the Bankruptcy Code.

Dated: New York, New York  
August 9, 2016

*/s/ James L. Garrity, Jr.*

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The Honorable James L. Garrity, Jr.  
United States Bankruptcy Judge

**Certificate of Notice Pg 6 of 7**  
**United States Bankruptcy Court**  
**Southern District of New York**

In re:  
 China Fishery Group Limited (Cayman)  
 Debtor

Case No. 16-11895-jlg  
 Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0208-1

User: tmercado  
 Form ID: pdf001

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 Total Noticed: 33

Date Rcvd: Aug 09, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2016.

db China Fishery Group Limited (Cayman), Rooms 3201-3210, Hong Kong Plaza,  
 188 Connaught Road West, Hong Kong, HONG KONG  
 aty +Michael Luskin, Luskin, Stern & Eisler LLP, Eleven Times Square, New York, NY 10036-6608  
 cr +Bank of America N.A., c/o Sidley Austin LLP, 787 Seventh Avenue, New York, NY 10019-6018  
 6984233 BDRM CORP & ADV SERV PTE, 50 RAFFLES PLACE, 32-01 SINGAPORE LAND TWR, SINGAPORE 048623  
 6984234 BOA FACILITIES, 52/F, CHEUNG KONG CENTER, 2 QUEENS RD CENTRAL, CENTRAL, HONG KONG  
 6984235 BUSINESS CONSULTANTS LTD, 18A TWO CHINACHEM PLZ, 68 CONNAUGHT RD CENTRL, HONG KONG  
 6989261 +Bryan Cave LLP, Attn: Stephanie Wickowski, Esq., 1290 Avenue of the Americas,  
 New York, NY 10104-3399  
 6984236 CHINA CITIC BNK INTL LTD, 80TH FL, INTL COMMERCE CNTR, 1 AUSTIN WEST, KOWLOON,  
 HONG KONG  
 6984237 CHINA FISHERIES INTL LTD, RM 3201-10 HONG KONG PLZ, 186 CONNAUGHT RD W, HONG KONG  
 6984238 CITIC BANKING FACILITIES, 6165 DESVOEUX RD CENTRAL, HONG KONG  
 6985921 +Cooperative Rabobank, U.A., 345 Park Avenue, 37th Floor, New York, New York 10154-0016  
 6984239 DAVID LIM & PARTNERS, 50 RAFFLES PLACE 17-01, SINGAPORE LAND TOWER, SINGAPORE 048623  
 6984240 DBS BANK (HK) LTD, 16TH FL, THE CENTER, 99 QUEENS ROAD, CENTRAL, HONG KONG  
 6984241 DELOITTE TOUCHE TOHMATSU, 35/F ONE PACIFIC PLACE, 88 QUEENSWAY, HONG KONG  
 6984242 DLA PIPER HONG KONG, 17TH FLR, EDINBURGH TWR, THE LANDMARK, 15 QUEEN'S ROAD CENTRAL,  
 HONG KONG  
 6987360 +DLA PIPER LLP (US), Attorneys for the Club Lender Parties, 1251 Avenue of the Americas,  
 New York, New York 10020-0073  
 7002286 +Davis Polk, 450 Lexington Ave, New York, NY 10017-3982  
 6984243 GRANT THORNTON RECOVERY, LEVEL 12, 28 HENNESSY RD, WANCHAI, HONG KONG  
 6984244 HALDANES, 7TH FLR, RUTTONJEE HOUSE, 11 DEDDELL STREET, CENTRAL, HONG KONG  
 6984245 HSBC, L16, HSBC MAIN BLDNG, 1 QUEEN S ROAD, CENTRAL, HONG KONG  
 7003531 +KELLEY DRYE & WARREN LLP, 101 Park Avenue, New York, New York 10178-0062  
 6986354 +Luskin, Stein & Eisler, LLP, Attorneys for Cooperative Rabobank, U.A., Attn: Michael Luskin,  
 Eleven Times Square, New York NY 10036-6600  
 6995860 MAYER BROWN LLP, 1221 Avenue of the Americas, New York, New York 10020-1001  
 6984246 MOODY'S INVST SERV HK LTD, 24/F, ONE PACIFIC PLACE, 88 QUEENSWAY, ADMIRALTY, HONG KONG  
 6984247 MOURANT OZANNES SERV LTD, 13/F ENTERTAINMENT BLDNG, 30 QUEEN'S ROAD, CENTRAL, HONG KONG  
 6984248 PREMIUM CHOICE GROUP LTD, RM 3201-10 HONG KONG PLZ, 186 CONNAUGHT RD W, HONG KONG  
 6984249 PROTEIN TRADING LTE, RM 3201-10 HONG KONG PLZ, 186 CONNAUGHT RD W, HONG KONG  
 6984250 RABOBANK INTL, HK, 32/F, 3 PACIFIC PLACE, 1 QUEENS ROAD EAST, HONG KONG  
 6984251 SING EXCHANGE SEC TRD LTD, 2 SHENTON WAY, #02-02 SGX CENTRE 1, SINGAPORE 068804  
 6984252 STANDARD CHARTERED BNK (HK) LTD, 15/F, STNDRD CHARTER BNK BLDNG, 4-4A DES VOEUX ROAD,  
 CENTRAL, HONG KONG  
 6989119 +STEPHANIE WICKOUSKI, MICHELLE MCMAHON, BRYAN CAVE, LLP, 1290 AVENUE OF THE AMERICAS,  
 NEW YORK, NEW YORK 10104-3399, 212.541.2000  
 6986669 +Sidley Austin LLP, Attorneys for Bank of America N.A., Attn: L. Attanasio, A. Propps,  
 787 Seventh Avenue, New York, NY 10019-6018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 ust +E-mail/Text: ustpreion02.br.ecf@usdoj.gov Aug 09 2016 19:39:01 United States Trustee,  
 Office of the United States Trustee, U.S. Federal Office Building,  
 201 Varick Street, Room 1006, New York, NY 10014-9449

TOTAL: 1

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

unk CFG Investment S.A.C., Corporacion Pesquera Inca S  
 cr China CITIC Bank International Limited  
 cr Cooperative Rabobank, U.A.  
 cr DBS BANK (Hong Kong) Limited  
 cr Malayan Banking Berhad, Hong Kong Branch  
 unk Senior Noteholder Committee  
 cr Standard Chartered Bank (Hong Kong) Limited  
 intp TMF TRUSTEE LIMITED  
 6984232 CHINA FISHERY GROUP LIMITED

TOTALS: 9, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0208-1

User: tmercado  
Form ID: pdf001

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Total Noticed: 33

Date Rcvd: Aug 09, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 11, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 9, 2016 at the address(es) listed below:

Edward J. LoBello on behalf of Debtor China Fishery Group Limited (Cayman) elobello@msek.com  
Frederick D. Hyman on behalf of Creditor Malayan Banking Berhad, Hong Kong Branch  
fhyman@mayerbrown.com  
Howard B. Kleinberg on behalf of Debtor CFG Peru Investments Pte. Limited (Singapore)  
hkleinberg@MSEK.com, kgiddens@msek.com; elobello@msek.com  
James H.M. Sprayregen on behalf of Unknown Senior Noteholder Committee  
jsprayregen@kirkland.com, wguerrieri@kirkland.com  
James S. Carr on behalf of Unknown CFG Investment S.A.C., Corporacion Pesquera Inca S.A.C.  
and Sustainable Fishing Resources S.A.C.  
KDWBankruptcyDepartment@kelleydrye.com; MVicinanza@ecf.inforuptcy.com  
Jil Mazer-Marino on behalf of Debtor CFG Peru Investments Pte. Limited (Singapore)  
jmazermarino@msek.com, chapter7ecf@msek.com  
Robert Craig Martin on behalf of Creditor China CITIC Bank International Limited  
craig.martin@dlapiper.com  
Stephanie Wickowski on behalf of Interested Party TMF TRUSTEE LIMITED  
stephanie.wickowski@bryancave.com, dortiz@bryancave.com  
Thomas R. Slome on behalf of Debtor CFG Peru Investments Pte. Limited (Singapore)  
lgomez@msek.com

TOTAL: 9